

REMARKS

With entry of this amendment, claims 23-29, 33-44, 48, 49, and 70-81 are pending in this application, claims 23-29, 33-44, 48, 49, and 70-75 of which stand rejected, and claims 76-81 of which have been newly added. Based on the foregoing amendments and the following remarks, reconsideration of this application and allowance of the claims is respectfully requested.

Claim Rejections-35 U.S.C. §112

Claim 48 stands rejected under 35 U.S.C. §112, second paragraph, because its dependency from cancelled claim 47 makes its scope unclear. In accordance with the Examiner's suggestion, claim 48 has been amended to depend from claim 35. As such, Applicant respectfully requests withdrawal of the §112 rejection of claim 48.

Claim Rejections-35 U.S.C. §103

Claims 23-29, 33-44, 48, 49, and 70-75 stand rejected under 35 U.S.C. §103 as being obvious over U.S. Patent No. 6,402,744 to Edwards et al. ("Edwards '744) in view of U.S. Patent No. 6,712,814 to Edwards et al. ("Edwards '814). Applicant respectfully traverses this rejection, since neither Edwards '744 nor Edwards '814, alone or in combination, disclose, teach, or suggest the elements required by these claims.

In particular, independent claims 23 and 35 have been amended to clarify that the alignment device is affixed relative to the targeted tissue, so that the apertures of the alignment device are located external to the patient's body. In contrast, the aperture 130 of the Edwards device is disclosed as being located internal to the patient's body when the electrodes 66 are deployed from the aperture 130 into the targeted tissue. Edwards '814 does not supplement this failed teaching.

Thus, Applicant submits that independent claims 23 and 35, as well as the claims depending therefrom (claims 24-29, 33-34, 36-44, 48, 49, and 70-75), are not obvious in view of the combination of Edwards '744 and Edwards '814, and as such, respectfully requests withdrawal of the §103 rejection of these claims.

New Claims

Applicant submits that claims 76-81, which have been newly added, find support in the specification, as originally filed, and are patentable over the cited prior art for at least the same reasons that the independent claims 23 and 35 from which they depend are patentable over the cited prior art.


Conclusion

Based on the foregoing, all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (714) 830-0600.

Respectfully submitted,

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